

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

LIFT TRUCK SALES AND SERVICES, INC.
Employer

and

Case 14-RD-137434

WILLIAM HUBBARD
Petitioner

and

BUILDING MATERIALS, EXCAVATING,
HEAVY HAULERS, DRIVERS,
WAREHOUSEMEN AND HELPERS, LOCAL
UNION No. 541 AFFILIATED WITH THE
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS
Union

ORDER

The Petitioner's Request for Review of the Acting Regional Director's administrative dismissal of the petition is denied as it raises no substantial issues warranting review.¹ Accordingly, the dismissal is affirmed.

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

LAUREN McFERRAN, MEMBER

Dated, Washington, D.C., November 23, 2015.

¹ In denying review, we also rely on the February 17, 2015 settlement agreement between the Employer and the Union resolving the alleged unfair labor practices that was approved after the Regional Director dismissed the petition. In that agreement, the Employer admitted "that since on or about May 22, 2014 it violated Section 8(a)(1) and (5) of the National Labor Relations Act by engaging in bad faith bargaining designed to frustrate the parties' ability to achieve agreement on a new collective bargaining agreement" and "that its unfair labor practices admitted [therein were] sufficient to taint the petition...and to require the dismissal of the petition." In these circumstances, a question concerning representation is precluded at this time and the petition must be dismissed.